

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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IN RE:

Case No: 13-42465

Randall and Lynette Steinhaus,

Debtor(s).

Chapter 13

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**NOTICE OF HEARING ON  
PRE-CONFIRMATION MODIFIED PLAN**

Please take notice that a hearing on the pre-confirmation modified plan filed on July 29, 2013, will be presented to the court for confirmation on August 22, 2013, at 10:00 a.m. at U S Court Courtroom 8 West, 300 S 4<sup>th</sup> Street Minneapolis, MN 55415.

Dated this 29th day of July 2013.

HELLER & THYEN, P.A.

/s/ Robert S. Thyen  
Robert S. Thyen – 032288X  
Attorney for Debtor  
606 25th Avenue South, Suite 110  
St. Cloud, MN 56301  
320-654-8000

**IN RE:**

**Steinhaus, Randall Glenn & Steinhaus, Lynette Ann**

Debtor(s)

Case No. **13-42465**

Chapter **13**

**MODIFIED CHAPTER 13 PLAN**

Dated: **July 29, 2013**.

**1. PAYMENTS BY DEBTOR TO TRUSTEE –**

a. As of the date of this plan, the debtor has paid the trustee \$ **900.00**.

b. After the date of this plan, the debtor will pay the trustee \$ **450.00** per **month** for **58** months, beginning August 2013 for a total of \$ **26,100.00**. The minimum plan length is **[X]** 36 or **[ ]** 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.

c. The debtor will also pay the trustee: **n/a**

d. The debtor will pay the trustee a total of \$ **27,000.00** [line 1(a) + line 1(b) + line 1(c)].

**2. PAYMENTS BY TRUSTEE** – The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **2,700.00**, [line 1(d) x .10].

**3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)]** – The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>TOTAL PAYMENTS</i>
<b>Capital One Auto Finance</b>	<b>50.00</b>	<b>3</b>	<b>150.00</b>
<b>TOTAL</b>			<b>150.00</b>

**4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365]** – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
<b>Sprint</b>	<b>2 Year Cell Phone Contract</b>
<b>IRET Property</b>	<b>Apartment Lease</b>

**5. CLAIMS NOT IN DEFAULT** – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Claim</i>
<b>None</b>	

**6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)]** – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
<b>None</b>					
<b>TOTAL</b>					<b>0.00</b>

**7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)]** – The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Int. rate (if any)</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
<b>None</b>						
<b>TOTAL</b>						<b>0.00</b>

**8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment	Number of Payments	Payments on Account of Claim	Adequate Protection from ¶ 3	TOTAL PAYMENTS
Capital One Auto Finance	18,196.47	18,046.47	5.00	4	361.98	56	20,271.09	150.00	20,421.09
<b>TOTAL</b>									<b>20,421.09</b>

**9. PRIORITY CLAIMS** – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Heller & Thyen, P.A.	2,500.00	96.16	1	26	2,500.00
IRS	187.45	37.49	55	5	187.45
MN Department Of Revenue, Collection Div	67.15	13.43	55	5	67.15
<b>TOTAL</b>					<b>2,754.60</b>

**10. SEPARATE CLASSES OF UNSECURED CREDITORS** – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Int. Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
<b>TOTAL</b>						<b>0.00</b>

**11. TIMELY FILED UNSECURED CREDITORS** – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 1,124.31 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 208,659.17.
- Total estimated unsecured claims are \$ 208,659.17 [line 11(a) + line 11(b)].

**12. TARDILY-FILED UNSECURED CREDITORS** – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

**13. OTHER PROVISIONS** – The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtor(s) shall provide the trustee with copies of his state and federal tax returns annually. They shall be entitled to retain \$2,000 of the combined net state and federal tax refunds (excluding any earned income credit), and the balance shall be paid to the trustee as an additional plan payment.

The debtor(s) will file as and when due any and all post-petition federal tax returns of any kind; and will timely pay as and when due, any and all post-petition federal tax liabilities of any kind. Debtor(s) failure to file as and when due any and all post-petition federal tax returns of any kind; or failure to timely pay as and when due any and all post-petition federal tax liabilities of any kind, will constitute grounds for dismissal.

Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed by any entity that holds a claim against the debtor(s) for taxes that become payable to a governmental unit while the case is pending. The trustee shall only pay 11 U.S.C. Section 1305 claims attributable to the taxable year in which the case concerning such debtor(s)

was filed, and only to the extent funds are available.

As to the claims dealt with in paragraphs 5, 6, 7, and 8, in the event of the surrender, foreclosure, repossession, or return of the collateral to the creditor for any reason, the balance of the claim, if any, will be paid as an unsecured claim, discharged by the discharge granted pursuant to 11 USC 1328.

The debtor(s) shall not oppose any creditor claiming a purchase money security interest in and to household furnishings, from availing itself of its legal remedies under the Bankruptcy Code, namely, the submission of an application for relief from stay under 11 U.S.C. Sec. 362. Upon appropriate court order regarding relief from the automatic stay provisions of 11 U.S.C. Sec. 362, the debtor(s) shall not oppose a creditor from availing itself of any applicable state law remedies it believes are available for purposes of reclaiming the household furnishings. Upon appropriate order from the Stearns County Court, the debtor shall surrender the household furnishings to a creditor in compliance with such Stearns County Court Order, if any.

In the event of that any secured creditor is granted stay relief and or the surrender, repossession, or return of the collateral to the creditor for any reason, the balance of the claim, if any, will be paid as an unsecured non-priority claim in accordance with non-bankruptcy law, dischargeable upon completion of this Chapter 13 plan.

#### 14. SUMMARY OF PAYMENTS –

Trustee's Fee [Line 2]	\$	<b>2,700.00</b>
Home Mortgage Defaults [Line 6(d)]	\$	<b>0.00</b>
Claims in Default [Line 8(d)]	\$	<b>0.00</b>
Other Secured Claims [Line 8(d)]	\$	<b>20,421.09</b>
Priority Claims [Line 9(f)]	\$	<b>2,754.60</b>
Separate Classes [Line 10(c)]	\$	<b>0.00</b>
Unsecured Creditors [Line 11]	\$	<b>1,124.31</b>
TOTAL [must equal Line 1(d)]	\$	<b>27,000.00</b>

**Robert S Thyen 032288x**  
**Heller & Thyen, P.A.**  
**606 25th Ave S #110**  
**St. Cloud, MN 56301-4810**

Signed: /s/ Randall Glenn Steinhaus

DEBTOR

Signed: /s/ Lynette Ann Steinhaus

DEBTOR (if joint case)

United States Bankruptcy Court  
District of Minnesota

IN RE:

SIGNATURE DECLARATION

Steinhaus, Randall Glenn & Steinhaus, Lynette Ann  
Debtor(s)

Case No. 13-42465

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER (Please describe: )

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 7/29/13

x Randall Steinhaus  
Signature of Debtor or Authorized Representative

Steinhaus, Randall Glenn  
Printed Name of Debtor or Authorized Representative

x Lynette Steinhaus  
Signature of Joint Debtor

Steinhaus, Lynette Ann  
Printed Name of Joint Debtor

Heller & Thyen  
Robert S. Thyen  
606 25th Avenue South Ste. 110  
St. Cloud, MN 56301

Case 13-42465

Doc 13

Filed 07/29/13

Document

Entered 07/29/13 12:41:57

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Desc Main Judge:

Hearing Location:

Hearing Date:

Hearing Time:

Response Date:

DATE RECEIVED: Jul 29 2013

TIME RECEIVED: 09:23AM

TOTAL SERVED: 35

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

IN RE: Randall Steinhaus  
Lynette Steinhaus

CASE NO: 13-42465

**CERTIFICATE OF SERVICE**

Chapter: 13

ECF Docket Reference No.

On 7/29/2013, a copy of the following documents, described below,

Amended Service Letter,  
Pre-Confirmation Hearing and Modified Plan  
Signature Declaration

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 7/29/2013



/s/ Jay S. Jump  
BK Attorney Services, LLC  
d/b/a certificateofservice.com, for  
Heller & Thyen PA  
Robert S. Thyen  
606 25th Avenue South Ste. 110  
St. Cloud, MN 56301

LABEL MATRIX FOR LOCAL NOTICING  
0864-4  
CASE 13-42465  
DISTRICT OF MINNESOTA  
MINNEAPOLIS  
MON JUL 29 12-37-26 CDT 2013

CAPITAL ONE N.A.  
BASS & ASSOCIATES P.C.  
3936 E. FT. LOWELL RD SUITE #200  
TUCSON AZ 85712-1083

~~MINNEAPOLIS~~  
~~301 U.S. COURTHOUSE~~  
~~300 SOUTH FOURTH STREET~~  
~~MINNEAPOLIS MN 55415-1320~~

AMERICAN ACCOUNTS & ADVISORS INC  
7460 80TH ST S  
COTTAGE GROVE MN 55016-3007

ANESTHESIA ASSOCIATES OF ST. CLOUD  
PO BOX 725  
SAINT CLOUD MN 56302-0725

ASSET ACCEPTANCE LLC  
PO BOX 1630  
WARREN MI 48090-1630

ASSET ACCEPTANCE LLC  
P.O. BOX 2036  
WARREN MI 48090-2036

BANK OF AMERICA  
PO BOX 982238  
EL PASO TX 79998-2238

BANK OF AMERICA N.A.  
1750 REGAL ROW STE 120  
DALLAS TX 75235-2287

BUSINESS REVENUE SYSTEMS  
PO BOX 13077  
DES MOINES IA 50310-0077

CAP1POLRS  
PO BOX 30253  
SALT LAKE CITY UT 84130-0253

CAPITAL ONE AUTO FINANCE  
PO BOX 660068  
SACRAMENTO CA 95866-0068

CENTRACARE CLINIC  
1200 6TH AVE N  
SAINT CLOUD MN 56303-2736

CENTRAL MN EMERGENCY PHYSICIANS  
1406 6TH AVE N  
SAINT CLOUD MN 56303-1901

CAPITAL ONE AUTO FINANCE  
9441 LBJ FREEWAY SUITE 350  
DALLAS TX 75243-4652

DISCOVER FIN SVCS LLC  
PO BOX 15316  
WILMINGTON DE 19850-5316

DM AUTO FINANCE  
20023 EMPIRE RD  
CLEARWATER MN 55320-1640

DISCOVER BANK  
DB SERVICING CORPORATION  
PO BOX 3025  
NEW ALBANY OH 43054-3025

EYE SURGEONS & PHYSICIANS  
109 DOCTORS PARK  
SAINT CLOUD MN 56303-1207

FIA CARD SERVICES N.A.  
P O BOX 982284  
EL PASO TX 79998-2284

GURSTEL CHARGO  
6681 COUNTRY CLUB DR  
GOLDEN VALLEY MN 55427-4601

IRS  
CENTRALIZED INSOLVENCY  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

JC CHRISTENSEN & ASSOCIATES  
PO BOX 519  
SAUK RAPIDS MN 56379-0519

MN DEPARTMENT OF REVENUE  
BANKRUPTCY SECTION  
PO BOX 64447  
SAINT PAUL MN 55164-0447

PHOENIX MANAGEMENT SYSTEMS  
PO BOX 3972  
MINNEAPOLIS MN 55403-0972

REGIONAL DIAGNOSTIC RADIOLOGY  
PO BOX 7366  
SAINT CLOUD MN 56302-7366

SCHLENNER WENNER  
PO BOX 1496  
SAINT CLOUD MN 56302-1496

SHELDON LAW OFFICE  
PO BOX 7215  
SAINT CLOUD MN 56302-7215

SPRINT NEXTEL CORRESPONDENCE  
ATTN BANKRUPTCY DEPT  
PO BOX 7949  
OVERLAND PARK KS 66207-0949

ST CLOUD PATHOLOGISTS  
1406 6TH AVE N  
ST CLOUD MN 56303-1900

ST. CLOUD HOSPITAL  
1406 6TH AVE N  
SAINT CLOUD MN 56303-1901

ST. CLOUD PATHOLOGISTS  
1406 6TH AVE N  
SAINT CLOUD MN 56303-1900

US TRUSTEE  
1015 US COURTHOUSE  
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MINNEAPOLIS MN 55415-3070

KYLE CARLSON  
PO BOX 519  
BARNESVILLE MN 56514-0519

LYNETTE ANN STEINHAUS  
555 PARK MEADOWS DR APT 201  
WAITE PARK MN 56387-2415

RANDALL GLENN STEINHAUS  
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WAITE PARK MN 56387-2415

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